

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**BUCKEYE STATE MUTUAL
INSURANCE COMPANY,**

Plaintiff,

v.

ROBERT B. MIXON, III, *et al.*,

Defendants.

CIVIL ACTION NO. 5:17-CV-366 (MTT)

ORDER

On April 23, 2020, the Court ordered Plaintiff Buckeye State Mutual Insurance Company's counsel, Young, Thagard, Hoffman, Smith, Lawrence & Shenton, LLP ("the Law Firm"), to produce certain documents for *in camera* inspection to resolve a disqualification issue. Doc. 42. Specifically, the Court ordered the Law Firm to produce all documents relating to Buckeye's underlying dispute with its insureds, Britt and Dana Martin, when it became apparent that one or more lawyers from the Law Firm must testify at the upcoming trial. Doc. 42. The issues that will be resolved at the upcoming trial include why Buckeye chose to pay the Martins in the underlying case and how it determined to pay them that sum, which it did on the advice of the Law Firm. After thoroughly reviewing all documents submitted, the Court is satisfied that J. Holder Smith was the only attorney at the Law Firm who worked on the underlying case. Accordingly, J. Holder Smith, but not the Law Firm, is **DISQUALIFIED** from representing Buckeye in this matter. See M.D. Ga. R. 83.2.1(A); GA. RULES OF PROF'L CONDUCT r. 1.6, 1.9, 3.7.

Additionally, Buckeye alleges Defendant Mixon and Company Agency (“the Agency”) purportedly never properly answered the Complaint. Doc. 31 at 1. Further, the Agency did not comply with the Court’s order to retain counsel by December 13, 2019. Doc. 39 (citing *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1384 (11th Cir. 1985) (citations omitted)). Accordingly, if Buckeye believes it is entitled to default judgment, it is **ORDERED** to submit an appropriate motion and a proposed order no later than **June 19, 2020**.¹

SO ORDERED, this 29th day of May, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ Although premature, default judgment against the Agency, if appropriate, can be entered upon the resolution of Buckeye’s claims against Defendant Mixon.